

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

BARBARA BETH BUCHANAN,  
Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,  
Defendant.

Case No:

MAR 13 2013

TIM RHODES  
COURT CLERK

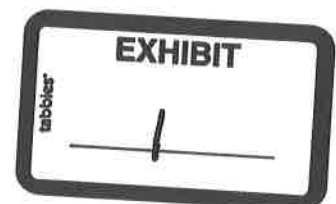
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CJ - 2013 - 1585

JURY TRIAL DEMANDED

PETITION

1. Plaintiff is a resident of the State of Oklahoma.
2. Defendant is a foreign corporation incorporated and domiciled in the State of Illinois and maintains its principal place of business in Bloomington, Illinois
3. Defendant State Farm sold Plaintiff an automobile insurance policy which included uninsured motorist coverage which was in force at all times material hereto.
4. The amount in controversy exceeds \$75,000.00
5. Ms. Buchanan was injured in an automobile accident on March 25, 2010 and sustained bodily injury. The at-fault drivers were underinsured.
6. Ms. Buchanan made a claim with Defendant for payment of her underinsured motorist benefits and otherwise complied with all conditions precedent to receiving the benefit of her policy coverage.
7. Defendant initially paid the under-insured motorist benefits to Plaintiff but later wrongfully asserted a subrogation interest which denied the Plaintiff the full benefits of her policy coverage.



8. Defendant, in its handling of Plaintiff's claim and as a matter of routine claim practice, breached the insurance contract and the implied covenant of good faith and good dealing in the following respects:

- a. by refusing to properly investigate the Plaintiff's claim for benefits;
- b. by refusing to properly and timely evaluate and promptly pay the Plaintiff's claim for policy benefits;
- c. by refusing to consider the reasonable expectations of its insureds;
- d. by knowingly misconstruing and misapplying the terms of the policy;
- e. by forcing Plaintiff to hire an attorney to obtain policy benefits that Defendants knew to be owing to its insured.
- f. by refusing to honor Plaintiff's claim in some instances for reasons contrary to the express provisions of the policy and/or Oklahoma law;
- g. by refusing to honor Plaintiff's claim in some instances by applying restrictions not contained in the policy;
- h. failing to adopt and implement reasonable standards for the prompt investigation and reasonable handling of claims arising under these policies, to include Plaintiff's claim;
- i. by not attempting in good faith to effectuate a prompt, fair and equitable settlement of Plaintiff's claim once liability had become reasonably clear;
- j. by unreasonably delaying investigation evaluation and payment;
- k. by wrongfully asserting a subrogation interest to which Defendant knew it was not entitled and thereby depriving Ms. Buchanan of the full benefits of her policy coverage;

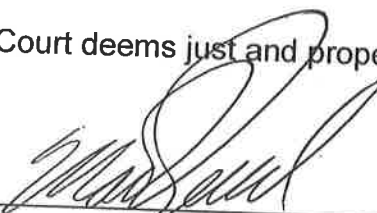
l. not acting in their own insured's best interest and objectively determining the facts and evaluations of their insured's claim; and,

m. knowingly allowing a conflict of interest to alter their claim determination by utilizing the statement of an adversary employee of the Defendant to limit Ms. Buchanan's claim for direct pecuniary gain to the Defendant.

9. As a direct result of Defendant's breach of contract and implied covenant of good faith and fair dealing, Plaintiff has suffered loss of policy benefits, mental and emotional distress, embarrassment, worry and other incidental and other consequential damages.

10. Defendant's actions were intentional, willful, malicious, wanton and/or reckless, for which punitive damages should be assessed against Defendant.

WHEREFORE, Plaintiff, Barbara Beth Buchanan, prays for judgment against Defendant, State Farm Mutual Automobile Insurance Company, in an amount exceeding \$75,000.00 actual damages, punitive damages, interest, costs of this action, and for such other and further relief as this Court deems just and proper.



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**JURY TRIAL DEMANDED  
ATTORNEY LIEN CLAIMED**